

## REMARKS

Applicants would like to thank the Examiner for the substantive review provided in this case. In the Office Action, the Office rejected claims 33-60 and 66-69. More particularly:

- The Office rejected claims 33-60 and 66 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention;
- The Office rejected claims 33-60 and 66-69 under 35 U.S.C. §101 as being directed to non-statutory subject matter;
- The Office rejected claims 33, 34 and 40-60 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,256,737 (Bianco) in view of U.S. Patent Application Publication No. 2003/0130954 (Carr);
- The Office rejected claims 35-39 under 35 U.S.C. §103(a) as being unpatentable over Bianco in view of Carr and U.S. Patent No. 7,630,986 (Herz); and
- The Office rejected claims 66-69 under 35 U.S.C. §103(a) as being unpatentable over Bianco in view of Herz.

Claims 1-32 and 61-65 have been withdrawn as a result of the Restriction Requirement dated April 17, 2010. Claims 34, 54-57, 59 and 66-69 have been cancelled without prejudice. Applicants explicitly reserve the right to submit one or more claims covering the subject matter of claims 34, 54-57, 59 and 66-69 or other subject matter in one or more continuing applications.

Claims 33, 40, 42, 47, 50, 51 and 58 have been amended. Support for the amendments to claim 33 may be found at least in paragraphs [0017 through [0019] of the application as filed. The amendments to claims 40, 42, 47, 50, 51 and 58 have been made to conform to the amended language of claim 33. No new matter has been added as a result of these amendments.

Upon entry of this Amendment and Response, claims 33, 35-53, 58 and 60 will remain pending. For the reasons set forth hereinbelow, Applicants request that the rejections associated with the pending claims be withdrawn.

### **Rejections under 35 U.S.C. §112, ¶2**

The Office rejected claims 33-60 and 66 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office states that the invention lacks a clear and precise definition of “enabling portion” and “portion of the total enrollment [data].”

Applicants have amended claim 33 to address this rejection. The cancellation of claims 34, 54-57, 59 and 66 has rendered this rejection moot with respect to such claims. Accordingly, Applicants respectfully request that the Office withdraw the rejections of claims 33, 35-53, 58 and 60 under 35 U.S.C. §112, second paragraph, for at least this reason.

### **Rejections under 35 U.S.C. §101**

The Office rejected claims 33-60 and 66-69 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, claims 33-60 and 66-69 were rejected as not being tied to a particular machine and not transforming the underlying subject matter. The cancellation of claims 34, 54-57, 59 and 66-69 has rendered this rejection moot with respect to such claims.

Independent claim 33 has been amended to include reference to a computing device, which is a specific machine. Support for this amendment may be found at least in paragraphs [0017] through [0019] in the specification as filed. As such, claim 33 is directed to statutory subject matter within the meaning of 35 U.S.C. §101 because such claims are tied to a particular machine in a manner that satisfies the machine-or-transformation test. Accordingly, Applicants respectfully request that the §101 rejection with respect to claim 33 be withdrawn. Because claims 35-53, 58 and 60 depend from and incorporate all of the limitations of claims 33, Applicants respectfully request that the §101 rejections with respect to claims 35-53, 58 and 60 be withdrawn as well.

### **Rejections under 35 U.S.C. §103**

#### **Claims 33, 35-53, 58 and 60**

Amended independent claim 33 is nonobvious over Bianco in view of Carr because Bianco and Carr, whether considered alone or in combination, fail to teach or suggest each and every limitation of independent claim 33. More particularly, the combination of Bianco and Carr fails to teach or suggest at least the combination of the following limitations of claim 33:

- receiving, at a first enrollment station, first enrollment data for a user;
- storing, in a system user record in a system database, the first enrollment data;
- receiving, at a computing device at a second enrollment station, second enrollment data for the user, wherein the second enrollment data differs from the first enrollment data, wherein total enrollment data is the combination of the first and second enrollment data; and

- identifying the system user record as active based on the total enrollment data.

Bianco discloses a system, method and computer program product that utilizes biometric measurements for the authentication of users to enterprise resources. The system includes a biometric server that stores the engine and collections of data required by the system to authenticate users. *See* Bianco at Abstract. Bianco discloses a biometric server that stores an engine for the biometric system and collections of data required by the system to authenticate users. *See id.* at 2:56-58. Bianco discloses a method for authenticating a user in which the tests the user on a particular biometric device and returns the results, including a score and whether the user passed or failed the biometric device, to an authentication object. *See id.* at 24:37-41. Bianco may request that the user be test on multiple biometric devices during a single enablement session. *See id.* at 24:44-25:2.

Carr discloses postal metering devices and mail systems that variously employ digital watermarking techniques. *See* Carr at Abstract. During daily operations, a postal meter consumes watermarked images from a smart card and uploads the used images to a central database at the end of the day to active the used images. *See* Carr at Abstract.

Claim 33 requires receiving first enrollment data at a first enrollment station, storing the first enrollment data in a system database, receiving second enrollment data at a second enrollment station that differs from the first enrollment data, and identifying the system user record as active based on the combination of the first and second enrollment data. Neither Bianco nor Carr teach or suggest the above limitations of claim 33 in combination.

Bianco does not teach or suggest receiving enrollment data from separate enrollment stations. Bianco merely discloses receiving different biometric inputs from different biometric devices during a single authentication session. In contrast, claim 33 requires receiving first enrollment data at a first enrollment enabling session (i.e., a pre-enrollment session) and second enrollment data at a separate second enrollment station. The combination of the first and second enrollment data (i.e., the total enrollment data) is then used to activate the system user record. Bianco does not teach or suggest the performance of such steps.

Carr does not resolve the deficiencies of Bianco. Carr merely teaches activating an image based on whether it has been used during the course of a day. Carr does not teach or suggest combining data from separate enrollment enablement stations to determine whether to activate or not. More particularly, Carr does not teach receiving data from separate enablement

enrollment stations or using such data to activate a system user record based on such data, as required by claim 33.

Therefore, for at least the reasons set forth hereinabove, claim 33 is allowable over the Examiner-cited prior art. Because claims 35-53, 58 and 60 depend from and incorporate all of the limitations of allowable independent claim 33, claims 35-53, 58 and 60 are likewise allowable over the Examiner-cited prior art. *See* MPEP §2143.03 (stating that if an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious). Accordingly, Applicants respectfully request that the rejections associated with claims 33, 35-53, 58 and 60 be withdrawn.

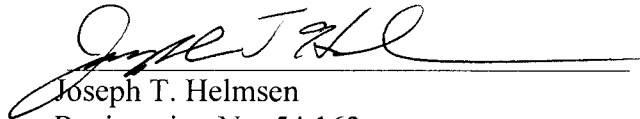
All of the stated grounds of rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Office reconsider and withdraw all presently outstanding rejections. There being no other rejections, Applicants respectfully request that the current application be allowed and passed to issue.

If the Examiner believes for any reason that personal communication will expedite prosecution of this application, I invite the Examiner to telephone me directly.

**AUTHORIZATION**

No fee is believed to be due for this submission. However, the Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment, to deposit account no. 50-0436.

Respectfully submitted,  
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